

Regular Session, 2010

SENATE BILL NO. 788

BY SENATOR HEBERT

FEES/LICENSES/PERMITS. Enacts the Louisiana Professional Geoscience Practice Act.  
(1/01/11)(2/3CAVIIIs2.1)

AN ACT

To amend and reenact R.S. 44:4.1(B)(21), and to enact Chapter 8-A of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:711.1 through 711.24, relative to the professional geoscientists; to provide for a board; to provide for meetings; to provide for powers; to provide for records and reports; to provide for requirements; to provide for exemptions; to provide for applications and fees; to provide for examinations; to provide for eligibility; to provide for types of licenses; to provide for issuance of licenses; to provide for expiration and renewal of licenses; to provide for professional development; to provide for a seal; to provide for disciplinary procedures; to provide for enforcement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 8-A of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:711.1 through 711.24, is hereby enacted to read as follows:

**CHAPTER 8-A. PROFESSIONAL GEOSCIENTISTS**

**§711.1. Short title**

**This Chapter may be cited as the "Louisiana Professional Geoscience**

1        **Practice Act"**.

2        **§711.2. Definitions**

3                **The following words and phrases when used in this Chapter shall have**  
4        **the following meaning, unless the context clearly requires otherwise:**

5                **(1) "Applicant" means any person seeking to practice geoscience in the**  
6        **state of Louisiana, that has applied to the board for authority to practice the**  
7        **respective profession and render such professional geoscience services in the**  
8        **state of Louisiana, or an individual who has applied to the board for**  
9        **certification as a geoscientist in training.**

10               **(2) "Board" means the Louisiana Board of Professional Geoscientists,**  
11        **provided for by this Chapter.**

12               **(3) "Certification", "certified", or "certificate holder" means the**  
13        **recognition granted by the board and its issuance of a certificate to any**  
14        **individual seeking such recognition as a geoscientist in training, who has been**  
15        **successfully examined and is otherwise in good standing with the board.**

16               **(4) "Firm" means any domestic or foreign firm, partnership, association,**  
17        **cooperative, venture, corporation, limited liability company, limited liability**  
18        **partnership, or any other entity.**

19               **(5) "Geoscience" means the science of the earth and its origin and**  
20        **history, the investigation of the earth's environment and its constituent soils,**  
21        **rocks, minerals, fossil fuels, solids, and fluids, and the study of the natural and**  
22        **introduced agents, forces, and processes that cause changes in and on the earth.**

23               **(6) "Geoscience firm" means a firm registered by the board to engage**  
24        **in the practice of geoscience.**

25               **(7) "Geoscientist" means a person qualified to engage in the practice of**  
26        **geoscience because of the person's knowledge, acquired through education and**  
27        **practical experience, of geoscience, mathematics, and the supporting physical,**  
28        **chemical, mineralogical, morphological, and life sciences.**

29               **(8) "Geoscientist in training" means a person registered by the board**

1 on the basis of education and who meets other requirements established by the  
2 board but who is not fully qualified to be a licensed geoscientist under this  
3 Chapter.

4 (9) "Licensed geoscientist" or "professional geoscientist" means a  
5 person who holds a license issued by the board under this Chapter.

6 (10) "Licensee" means any person practicing or seeking to practice  
7 geoscience in the state of Louisiana that has received a license from the board  
8 and is otherwise in good standing with the board. The term is often used  
9 synonymously with the term "registrant".

10 (11) "Licensed" or "licensure" means the recognition granted by the  
11 board and its issuance of a license to any person to practice geoscience in the  
12 state of Louisiana. These terms are often used synonymously with the terms  
13 "registered" or "registration".

14 (12) "Person" means any individual or firm.

15 (13) "Practice of geoscience" means the practice for the public of  
16 geoscientific services or work, including consulting, investigating, evaluating,  
17 analyzing, planning, mapping, and inspecting geoscientific work and the  
18 responsible supervision of those tasks.

19 (14) "Responsible charge" means the independent control and direction  
20 of geoscientific work or the supervision of geoscientific work by the use of  
21 initiative, skill, and independent judgment.

22 §711.3. Board; appointments; terms

23 A. The Louisiana Board of Professional Geoscientists is hereby created  
24 to administer the provisions of this Chapter. The board shall consist of nine  
25 members, six of whom shall be licensed geoscientists, and three of whom shall  
26 be members of the public.

27 B. The governor shall appoint all members to the board subject to Senate  
28 confirmation.

29 C. The members shall serve at the pleasure of the governor.

1           **D. This board shall be financially self-sufficient. It shall receive no state**  
2           **funds through appropriation or otherwise and shall not expend any such state**  
3           **funds. No state funds shall be expended or committed to expenditure to the**  
4           **board for a group benefits program or any other health insurance or employee**  
5           **benefit program, for any retirement system, for any salary, per diem payment,**  
6           **travel or expenses, office supplies and materials, rent, purchase of any product**  
7           **or service, or for any other purpose.**

8           **§711.4. Qualifications of board members**

9           **Each member of the board shall be a citizen of the United States and a**  
10          **resident of this state for at least the three years preceding appointment.**

11          **§711.5. Compensation and expenses**

12          **Each member of the board shall receive the amount set by the board, but**  
13          **not to exceed one hundred dollars per diem when actually attending to the work**  
14          **of the board or any of its committees, and for the time spent in necessary travel;**  
15          **and, in addition thereto, shall be reimbursed for all actual traveling, incidental**  
16          **and clerical expenses necessarily incurred in carrying out the provisions of this**  
17          **Chapter.**

18          **§711.6. Organization and meetings**

19          **A. The board shall hold at least four regular meetings each year.**  
20          **Special meetings shall be held at such time and place as specified by a call of the**  
21          **chairman or secretary. Notice of all meetings shall be given in writing to each**  
22          **member by the secretary. The board shall elect annually from its membership**  
23          **the following officers: a chairman, a vice chairman, a secretary, and a**  
24          **treasurer. A quorum of the board shall be a majority of its members. The**  
25          **board may appoint or employ an assistant secretary, executive secretary,**  
26          **treasurer, or other officers or employees not members of the board, to whom**  
27          **clerical and administrative duties may be assigned. The board shall fix the**  
28          **compensation of such persons not under the state civil service.**

29          **B. The board shall be domiciled and maintain its principal office in the**

1 city of Baton Rouge and shall maintain its records at said principal office, and  
2 shall hold its regular meetings there, unless, in the discretion of the chairman,  
3 it is necessary or convenient to meet elsewhere. A change in domicile of the  
4 board may be made by a two-thirds affirmative vote of the entire board  
5 membership at a regular meeting.

6 **§711.7. Powers of the board**

7 A. The board shall have the power to make, adopt, amend, and  
8 promulgate bylaws not inconsistent with the constitution and laws of this state,  
9 which may be reasonably necessary for the proper performance of its duties,  
10 and the regulation of the proceedings before it. The board shall adopt and have  
11 an official seal, which shall be affixed to all licenses and certificates issued.

12 B.(1) Each member of the board shall have power to administer oaths,  
13 and the board shall have power to subpoena witnesses and compel the  
14 production of books and papers pertinent to any investigation, hearing, or  
15 disciplinary or enforcement proceeding authorized by this Chapter, and any  
16 employee of the board engaged in such investigation, hearing, or disciplinary  
17 or enforcement proceeding shall have the power to administer oaths to and take  
18 the depositions of persons pertaining to any investigation, hearing, or  
19 disciplinary or enforcement proceeding.

20 (2) The board may require any law enforcement officer or any state  
21 agency, the sheriffs of the various parishes, or constables, marshals, or other  
22 law enforcement officers of any parish or municipality to serve such subpoenas  
23 and other process of said board. Whenever parish, municipal, or other local  
24 officers are required to serve such subpoenas or other process of the board, they  
25 shall be paid the same fees by the board as are provided by law for similar  
26 services under processes issued by district courts.

27 (3)(a) Any person who shall fail to appear in response to a subpoena or  
28 to answer any question or produce any books or papers pertinent to any such  
29 investigations, hearings, or disciplinary or enforcement proceedings or who

1 shall knowingly give false testimony therein shall be guilty of a misdemeanor  
2 and subject to the actions, sanctions, and penalties provided by this Chapter.

3 (b) In case of contumacy or refusal to obey a subpoena issued to any  
4 person, any district court within the jurisdiction of which the inquiry is carried  
5 on, or within the jurisdiction of which said person guilty of contumacy or  
6 refusal to obey is found, or resides, or transacts business upon application by  
7 the board, shall have jurisdiction to issue to such person an order requiring  
8 such person to appear before the board, its member, or agent, and to produce  
9 evidence, if so ordered, or there to give testimony touching on the matter under  
10 consideration or in question; and any failure to obey such order of court may  
11 be punished by said court as a contempt thereof.

12 C.(1) The board shall adopt, promulgate, and enforce rules and  
13 regulations in accordance with the Administrative Procedure Act, which may  
14 be reasonably necessary for the protection of the public and proper  
15 administration of this Chapter. These rules and regulations shall be binding  
16 upon all applicants, licensed geologists and geologists-in-training, including all  
17 geoscience firms. These rules and regulations shall be made known, in writing,  
18 to every applicant, licensee, and certificate holder under this Chapter. The  
19 board may revise and amend these rules and regulations from time to time, in  
20 accordance with the Administrative Procedure Act, and shall notify each  
21 licensee and certificate holder in writing or by notice in the official journal of  
22 the board of such revision or amendment.

23 (2) The board may establish, adopt, promulgate, and publish rules and  
24 regulations in accordance with the Administrative Procedure Act, concerning  
25 the procurement of professional geoscientific services.

26 D. The board is hereby authorized in its own name to apply for relief by  
27 injunction in the established manner provided in cases of civil procedure to  
28 enforce the provisions of this Chapter, or to restrain any violation thereof. In  
29 such proceedings, it shall be unnecessary to allege or prove that either an

1       adequate remedy at law does not exist or that substantial or irreparable damage  
2       would result from the continued violation thereof.

3               E. The board may subject an applicant to such examinations as it deems  
4       necessary to determine his qualifications. In the event a question arises as to the  
5       competence of a licensee or certificate holder in a specific technical field which  
6       cannot be otherwise resolved to the board's satisfaction, the board, either upon  
7       request of the licensee or certificate holder or on its own volition, may submit  
8       the licensee or certificate holder to appropriate examinations.

9               F. The board, by rule or regulation adopted in accordance with the  
10       Administrative Procedure Act, may create license or renewal statutes for  
11       licensees and former licensees, and may establish classifications of licensure  
12       including but not limited to active, expired, inactive, and retired classifications.

13       §711.8. Firms

14               A. All domestic firms and foreign firms qualifying to do business in the  
15       state of Louisiana, which practice or offer to practice geoscience in the state of  
16       Louisiana are subject to regulation and supervision by the board, and the  
17       board, in implementation of this Section, may issue rules and regulations, in  
18       accordance with the Administrative Procedure Act, further governing the  
19       conduct and activities of such firm.

20               B. Within thirty days after the issuance by the secretary of state of a  
21       certificate of incorporation of a Louisiana corporation formed pursuant to the  
22       Louisiana Business Corporation Law, or the Louisiana Nonprofit Corporation  
23       Law, or the issuance by the secretary of state of a certificate of organization of  
24       a Louisiana limited liability company formed pursuant to the Louisiana Limited  
25       Liability Company Law, or the qualification of a foreign corporation or foreign  
26       limited liability company in the state of Louisiana which practices or offers to  
27       practice geoscience in the state of Louisiana, said firm shall file an application  
28       for licensure with the board on a form provided by the board.

29               C. Within sixty days after the firm files with the board the application

1 required above, the board, in the event the firm is otherwise in compliance with  
2 the provisions of this Chapter and the rules and regulations issued by the board  
3 governing firms, shall issue a license. Any firm having been so licensed by the  
4 board shall have the authority to contract to deliver such geoscientific services,  
5 and therefore shall be subject to disciplinary action as provided in this Chapter.

6 **§711.9. Receipts and disbursements**

7 A. The treasurer or the executive secretary of the board, or any other  
8 person or persons authorized by the board, shall receive, disburse, and account  
9 for all monies paid to or received by the board. He shall institute a system of  
10 books and financial records satisfactory to the legislative auditor, who shall  
11 audit them annually. The treasurer shall open an account in a bank designated  
12 by the board as its official depository in the city wherein the board is domiciled.  
13 All checks disbursing funds of the board must be signed by any two of the  
14 following persons: the executive secretary, the deputy executive secretary, the  
15 treasurer, or any member of the board as directed by the board. All  
16 disbursements of funds shall be approved by the board. All funds of the board  
17 shall be deposited within seventy-two hours after receipt.

18 B. The board may employ such investigators, clerical, or other assistants  
19 as are necessary for the proper performance of its work, and may make  
20 expenditures from its funds for any purpose which, in the opinion of the board,  
21 is reasonably necessary for the proper performance of its duties under this  
22 Chapter, including the expenses of the board's delegates to conventions and  
23 meetings of, and any applicable membership dues. The board may, if it deems  
24 necessary, or upon advice of the attorney general, hire counsel and investigators  
25 and pay traveling expenses thereof for the investigation and prosecution of any  
26 disciplinary or enforcement proceeding under this Chapter.

27 C. The board may, at its discretion, pay any witness subpoenaed to  
28 appear before the board an amount set by the board, but not to exceed one  
29 hundred dollars per diem, when actually in attendance, including time spent in



1 traveling, not to exceed one day to and one day from the location of the board  
2 meeting, and in addition, the board may reimburse any witness for actual  
3 traveling expenses when furnished with proof of such expenses, including hotel  
4 when a witness resides in a parish other than the one in which the board is  
5 meeting.

6 D. Under no circumstances shall the total amount of warrants issued by  
7 the board in payment of the expenses and compensation provided for in this  
8 Chapter exceed the amount of the income, funds, and fees collected by the  
9 board.

10 E. All funds derived from fines as provided by this Chapter shall be  
11 deposited in the state general fund.

12 §711.10. Records and reports

13 A.(1) The board shall keep a record of its proceedings and a file of all  
14 applications, which file shall show:

15 (a) The name, age, and residence of each applicant.

16 (b) The date of the application.

17 (c) The place of business of such applicant.

18 (d) Educational and other qualifications of the applicant.

19 (e) Whether or not an examination was required.

20 (f) Whether the applicant was rejected.

21 (g) Whether a license or certification was granted.

22 (h) The date of the action of the board.

23 (i) Such other information which may be deemed necessary by the board.

24 (2) The records of the board shall be prima facie evidence of the  
25 proceedings of the board set forth therein, and a transcript thereof, duly  
26 certified by the secretary of the board, under seal, shall be admissible in  
27 evidence with the same force and effect as if the original were produced.

28 B. All records maintained by the board in connection with disciplinary  
29 and enforcement proceedings and actions or its administration of examinations,

1 including examinations, answer sheets, solutions, and grade sheets, together  
2 with all the background information involving personnel and employer  
3 references shall be deemed confidential and as such, exempt from the provisions  
4 of Chapter 1, Title 44 of the Louisiana Revised Statutes of 1950; however, any  
5 applicant shall have the right to examine other documents relating and  
6 pertaining to any action taken by the board with regard to such applicant, but  
7 only to the extent that those documents are in the actual possession of the board.  
8 Notwithstanding any provision of law to the contrary, the board, at its  
9 discretion, may publish and shall disclose any documents and information  
10 relating and pertaining to disciplinary and enforcement proceedings and actions  
11 once the board has rendered a final decision or order.

12 §711.11. Rosters and lists

13 A. A roster showing the names and addresses of all professional  
14 geoscientists and the geoscience discipline under which each professional  
15 geoscientist has been listed, the names and addresses of all geoscientists-in-  
16 training may be published at the discretion of the board. A roster for firms may  
17 be published at the discretion of the board.

18 B. The board shall maintain a list of each state or foreign country in  
19 which the requirements and qualifications for licensure or registration are  
20 comparable to those established in this state and with which a reciprocity  
21 agreement exists.

22 §711.12. License required, exemptions

23 A. Unless exempted by this Chapter, a person shall not engage in the  
24 practice of geoscience unless the person holds a license issued under this  
25 Chapter.

26 B. Unless the person is licensed under this Chapter, he shall not engage  
27 in any of the following activities:

1           (1) Use the term "Licensed Professional Geoscientist", "Licensed  
2           Geoscientist", "Professional Geoscientist", or the initials "P.G." as part of a  
3           professional, business, or commercial identification or title.

4           (2) Otherwise represent to the public that the person is qualified to  
5           practice as a geoscientist or engage in the practice of geoscience.

6           C. A person shall not take responsible charge of a geoscientific report or  
7           a geoscientific portion of a report required by municipal or parish ordinance,  
8           state or federal law, state agency rule, or federal regulation that incorporates  
9           or is based on a geoscientific study or geoscientific data unless the person is  
10          licensed under this Chapter.

11          D. The following activities do not require a license under this Chapter:

12          (1) Geoscientific work performed by an employee or a subordinate of a  
13          license holder under this Chapter if the work does not include the responsible  
14          charge of geoscientific work and is performed under the direct supervision of  
15          a licensed geoscientist who is responsible for the work.

16          (2) Geoscientific work performed by an officer or employee of the United  
17          States practicing solely as such an officer or employee.

18          (3) Geoscientific work performed exclusively in exploring for and  
19          developing oil, gas, or other energy resources, base metals, or precious or  
20          nonprecious minerals, including sand, gravel, or aggregate, if the work is done  
21          in and for the benefit of private industry.

22          (4) Geoscientific research conducted through an academic institution,  
23          local, state, or federal governmental agency, nonprofit research institution, or  
24          for-profit organization, including submission of a report on the research to a  
25          public agency.

26          (5) Teaching geoscience or a related physical or natural science.

27          (6) Work customarily performed by a cartographer, technician, or  
28          physical or natural scientist, including a geologist, geophysicist, soil scientist,

1 chemist, archaeologist, geographer, or oceanographer, if the work does not  
2 include the practice of geoscience.

3 (7) Work performed by an archaeologist, geoscientist, or other person  
4 conducting a stratigraphic or historical geological investigation for  
5 archaeological purposes.

6 (8) Testifying or preparing and presenting an exhibit or document for  
7 the sole purpose of being placed in evidence before an administrative or judicial  
8 tribunal or hearing if the testimony, exhibit, or document does not imply that  
9 the person is licensed under this Chapter.

10 (9) The evaluation by a state agency or by a hearing examiner of an  
11 exhibit or document offered or placed in evidence before an administrative  
12 tribunal.

13 **§711.13. Application for licensure or certification; fees**

14 A.(1) Application for licensure as a professional geoscientist shall be on  
15 forms prescribed and furnished by the board, shall show the applicant's  
16 education and a detailed summary of his technical work, and shall contain such  
17 references prescribed by the board.

18 (2) Application for certification as a geoscientist-in-training shall be on  
19 forms prescribed and furnished by the board, shall show the applicant's  
20 education and a detailed summary of his technical work, if any, and shall  
21 contain such references prescribed by the board.

22 (3) Application for licensure by a firm shall be in accordance with this  
23 Chapter and rules and regulations of the board.

24 (4) All applications shall include a statement affirming that the  
25 information contained on the application is true and correct to the best of the  
26 applicant's knowledge, information, and belief. Electronic signatures are  
27 acceptable, if properly encrypted.

28 B.(1) The application fee for professional geoscientists, geoscientists-in-  
29 training, and firms shall be established at the discretion of the board, but shall

1 not exceed two hundred dollars, and said fee shall accompany the application.

2 The board may not increase the application fee by more than thirty dollars in  
3 any three-year period.

4 (2) If the board denies the issuance of a license or certificate to any  
5 applicant, the application fee shall be retained by the board. An unsuccessful  
6 applicant shall pay the prescribed fee for each subsequent application.

7 §711.14. Examinations

8 A. The board may prepare, administer, and grade oral and written  
9 examinations required or permitted under this Chapter.

10 B. The board may adopt or recognize, in whole or in part, an  
11 examination prepared, administered, or graded by another organization, on a  
12 regional or national basis, that the board determines appropriate to measure  
13 the qualifications of an applicant for a license under this Chapter under the  
14 following circumstances:

15 (1) The examination questions, the correct answers, and the applicant's  
16 completed examination are available to the board.

17 (2) The board retains the authority to determine a passing grade for a  
18 license in this state.

19 §711.15. License eligibility

20 A. To be eligible for a license under this Chapter, an applicant shall meet  
21 the following minimum qualifications.

22 (1) The applicant must be of good moral and ethical character as attested  
23 to by letters of reference submitted in behalf of the applicant or as otherwise  
24 determined by the board.

25 (2) The applicant shall have either:

26 (a) Graduated from a course of study in a discipline of geoscience  
27 satisfactory to the board that consists of at least four years of study and includes  
28 at least thirty semester hours or forty-five quarter hours of credit in geoscience,

1 of which at least twenty semester hours or thirty quarter hours of credit must  
2 be in upper-level college courses in that discipline; or

3 (b) Satisfactorily completed other equivalent educational requirements  
4 as determined by the board.

5 (3) The applicant shall have a documented record of at least five years  
6 of qualifying work experience, as provided by this Chapter, that demonstrates  
7 that the applicant is qualified to assume responsible charge of geoscientific  
8 work.

9 (4) The applicant must pass an examination required by the board  
10 covering the fundamentals and practice of the appropriate discipline of  
11 geoscience.

12 B. The board may accept qualifying work experience in lieu of the  
13 education required by Subsection A of this Section.

14 §711.16. Qualifying work experience

15 A. The board shall apply the following standards in evaluating the work  
16 experience of an applicant for a license under this Chapter.

17 (1) Each year of work experience acceptable to the board constitutes one  
18 year of qualifying work experience if the experience was acquired under the  
19 direct supervision of any of the following:

20 (a) A geoscientist who is licensed in this state or in another state under  
21 requirements for licensure or registration that are comparable to those in this  
22 Chapter.

23 (b) A geoscientist who meets the educational and work experience  
24 requirements for licensure but is not required to be licensed under this Chapter.

25 (c) Another professional acceptable to the board.

26 (2) Each year of work experience acceptable to the board and acquired  
27 before September 1, 2010, constitutes one year of qualifying work experience if  
28 the experience either:

29 (a) Was acquired under the direct supervision of either:

1                   (i) A geoscientist who meets the educational and work experience  
2                   requirements for a license under this Chapter.

3                   (ii) A geoscientist who is licensed or registered under comparable  
4                   requirements in another state.

5                   (iii) Another professional acceptable to the board.

6                   (b) Would constitute the responsible charge of professional geoscientific  
7                   work as determined by the board.

8                   (3) Each year of full-time graduate study in a discipline of geoscience  
9                   that is acceptable to the board constitutes one year of qualifying work  
10                  experience. However, the board may not accept more than two years of full-  
11                  time graduate study in a discipline of geoscience as qualifying work experience.

12                  B. The board may accept research in or the teaching of a discipline of  
13                  geoscience at the college or university level as qualifying work experience if the  
14                  research or teaching, in the judgment of the board, is comparable to work  
15                  experience obtained in the practice of geoscience.

16                  **§711.17. Reciprocal license**

17                  A. The board by rule, adopted in accordance with the Administrative  
18                  Procedure Act, may authorize the licensing of a person who has not met the  
19                  examination requirement of this Chapter, if the person is licensed or registered  
20                  to practice a discipline of geoscience under the law of another state or a foreign  
21                  country.

22                  B. The board may issue a license to an applicant who provides proof of  
23                  licensure or registration under requirements that the board determines to be  
24                  substantially similar to those established by this Chapter and who pays the  
25                  required fees.

26                  **§711.18. Temporary license**

27                  A. The board may issue a temporary license to a person who satisfies  
28                  either of the following:

1           (1) The applicant is not a resident of this state and does not have an  
2           established place of business in this state but seeks to engage in the practice of  
3           geoscience in this state for a temporary period.

4           (2) The applicant applies for a reciprocal license and seeks to engage in  
5           the practice of geoscience pending a determination on the application for the  
6           reciprocal license.

7           B. An applicant for a temporary license must satisfy all of the following  
8           requirements:

9           (1) The applicant must apply to the board for a temporary license,  
10          provide proof of licensure or registration in another state or a foreign country  
11          and pay the required fees.

12          (2) The applicant must agree to comply with the signature requirements  
13          of this Chapter and to affix the person's seal from the jurisdiction in which the  
14          person is licensed or registered on all work completed while practicing under  
15          the temporary license.

16          (3) The applicant must file the required information and reports and  
17          comply with other requirements established by the board concerning the  
18          person's temporary practice.

19          C. (1) A temporary license issued under Paragraph (1) of Subsection (A)  
20          of this Section expires on the ninetieth day after the date of issuance.

21          (2) A temporary license issued under Paragraph (2) of Subsection (A) of  
22          this Section expires on the date the reciprocal license is issued or denied.

23          §711.19. Issuance of license

24          A. The board shall issue a license to an applicant who meets the  
25          requirements of this Chapter on payment of the applicable license fee.

26          B. The license shall include all of the following:

27          (1) The full name of the license holder.

28          (2) A serial number.

29          (3) The license holder's discipline of geoscience.



1                   (4) A signature of an appropriate officer of the board under the board's  
2                   seal.

3                   C. The issuance by the board of a license is prima facie evidence that  
4                   during the term of the license the license holder is entitled to all the rights and  
5                   privileges of a licensed geoscientist.

6                   D. A licensed geoscientist may engage in the practice of any discipline of  
7                   geoscience regardless of the discipline of geoscience stated on the person's  
8                   license.

9                   §711.20. Expiration and renewals

10                  A. Licensure and certification shall expire at a time specified by the  
11                  board and shall become invalid after that date unless renewed. It shall be the  
12                  duty of the executive secretary of the board to notify by letter to his last known  
13                  address each licensee and certificate holder of the date of the expiration of the  
14                  license or certificate and the amount of the fee that shall be required for its  
15                  renewal. The notice shall be mailed at least one month in advance of the  
16                  expiration of such license or certificate. Renewal of licensure as a professional  
17                  geoscientist, or firm, or geoscientist-in-training may be effected at any time  
18                  during the two months prior to expiration by the payment of a fee not to exceed  
19                  one hundred dollars per year, at the discretion of the board.

20                  B. Any person who renews his license or certificate within one hundred  
21                  twenty days of the expiration of such license or certificate shall not be deprived  
22                  of the right of renewal.

23                  C. The maximum fee for late renewal shall be established by the board,  
24                  provided that said renewal fee shall not exceed three times the normal renewal  
25                  fee. The board shall not increase the biennial renewal fee by more than twenty  
26                  dollars in any one-year period.

27                  §711.21. Continuing professional development for professional geoscientists

28                  Professional geoscientists may, by rule of the board, adopted in  
29                  accordance with the Administrative Procedure Act, be required to earn

annually up to fifteen hours of board-approved continuing professional development.

**\$711.22. Seal**

**A. Upon issuance of a license, the license holder shall obtain a seal of a design established by the board bearing:**

**(1) The license holder's name.**

**(2) The license number.**

**(3) The words "Licensed geoscientist" or "Professional Geoscientist".**

**(4) The license holder's discipline of geoscience.**

**B. A geoscientific report, document, or other record, as defined by the board, that is offered to the public and prepared or issued by or under the supervision of a licensed geoscientist must, in accordance with rules adopted by the board, include the full name, signature, and license number of the license holder who prepared the report, document, or other record or under whose supervision it was prepared and bear an impression of the license holder's seal.**

**\$711.23. Disciplinary proceedings against licensees and certificate holders; procedure**

**A. The board shall have the power to take disciplinary action against any licensee or certificate holder found by the board to be guilty of any of the following acts or offenses:**

**(1) Any fraud, deceit, material misstatement, or perjury or the giving of any false or forged evidence in applying for a license or certificate, or in taking any examination, or in applying for any renewal license or certificate provided for in this Chapter.**

**(2) Any fraud, deceit, gross negligence, material misrepresentation, gross incompetence, or gross misconduct in the practice of geoscience.**

**(3) Conviction of a felony or of any crime of moral turpitude or entry of a plea of guilty or nolo contendere to a felony charge or to a crime of moral**

1 turpitude under the laws of the United States or any state, territory, or district  
2 of the United States.

3 (4) Conviction of any crime or entry of a plea of guilty or nolo  
4 contendere to any criminal charge an element of which is fraud or which arises  
5 out of such person's practice of geoscience.

6 (5) Conviction of any civil or criminal violation of, or entry of a plea of  
7 guilty or nolo contendere to any criminal charge under the Louisiana Campaign  
8 Finance Disclosure Act or any other campaign finance and/or practices laws of  
9 the state of Louisiana, the United States, or any state, territory, or district of the  
10 United States.

11 (6) Violation of any provision of this Chapter of any rules or regulations  
12 adopted and promulgated by the board, in accordance with the Administrative  
13 Procedure Act.

14 (7) The refusal of the licensing authority of another state, territory, or  
15 district of the United States to issue or renew a license, permit, or certificate to  
16 practice geoscience, or the revocation or suspension or other restriction imposed  
17 on a license, permit, or certificate issued by such licensing authority, on grounds  
18 other than nonpayment of a licensure fee, or a finding by such licensing  
19 authority that a person has engaged in the unlicensed practice of geoscience,  
20 provided that the reason for the action taken by the other licensing authority  
21 was recognized by the Louisiana board as a ground for disciplinary action at the  
22 time the action was taken.

23 (8) Providing false testimony before the board.

24 (9) Using a seal or stamp or engaging in any other act constituting the  
25 practice of geoscience, or violating any order or terms of probation imposed by  
26 the board, at a time when his license or certificate is suspended or revoked, or  
27 at a time when his license or certificate has been expired for more than ninety  
28 days or at a time when he is retired, or inactive status as a board licensee.

1                   (10) Failure to provide, within thirty calendar days of receipt of notice  
2                   by certified mail, information requested by the board relating to charges  
3                   preferred by the board alleging a violation of this Chapter.

4                   (11) The use of any advertising or solicitation which is false or  
5                   misleading.

6                   (12) Aiding or assisting another person in violating any provision of this  
7                   Chapter or any rule or regulation adopted and promulgated by the board, in  
8                   accordance with the Administrative Procedure Act.

9                   (13) Knowingly making or signing false statements, certificates, or  
10                  affidavits in connection with the practice of geoscience.

11                  (14) Declaration of insanity or incompetence by a court of competent  
12                  jurisdiction.

13                  (15) Presenting or attempting to use as one's own the license, certificate,  
14                  seal, or stamp of another person.

15                  (16) Using or attempting to use an expired, inactive, retired, or revoked  
16                  license or certificate.

17                  (17) Falsely impersonating any other licensee or certificate holder of like  
18                  or different name.

19                  (18) Practicing or offering to practice geoscience when not qualified.

20                  (19) Violation of or noncompliance with any order, ruling, or decision of  
21                  the board.

22                  B. For purposes of this Chapter, the term "disciplinary action" shall  
23                  include but not be limited to reprimand, probation, suspension, revocation of  
24                  license or certificate, refusal to renew license or certificate, or fine in an amount  
25                  not to exceed five thousand dollars per violation.

26                  C. The board shall have the power to take disciplinary action against a  
27                  firm if one or more of its officers, directors, managers, employees, agents, or  
28                  representatives is found by the board to be guilty of any of the acts or offenses  
29                  listed in Subsection A of this Section.

1                   **D. Charges may be preferred against any licensee or certificate holder**  
2                   **in the following manner:**

3                   **(1) The board, on its own initiative and by a majority vote of its entire**  
4                   **membership authorized to participate in a proceeding, may prefer charges**  
5                   **against any licensee or certificate holder who commits or engages in any of the**  
6                   **acts or offenses listed in Subsection A of this Section.**

7                   **(2) The board, on receipt of a complaint from any person and by**  
8                   **majority vote of the board's entire membership authorized to participate in a**  
9                   **proceeding, may prefer charges against any licensee or certificate holder who**  
10                  **commits or engages in any of the acts or offenses listed in Subsection A of this**  
11                  **Section. Such complaint shall be in writing, shall be sworn to by the person or**  
12                  **persons making the complaint and shall be filed with the board.**

13                  **E. Within twenty days of the board's preferral of charges, the board**  
14                  **shall mail a copy of said charges to the last known address of the licensee or**  
15                  **certificate holder so charged.**

16                  **F. In the event the board determines after investigation that charges so**  
17                  **preferred are completely unfounded, more appropriately resolved outside the**  
18                  **formal disciplinary proceedings, or not within the jurisdiction of the board, the**  
19                  **board shall so advise the charged party, in writing, of its determination.**  
20                  **Otherwise, all charges shall be heard by the board or a hearing committee**  
21                  **designated by the board within twelve months after the date on which they shall**  
22                  **have been preferred. This twelve-month period may be extended with the**  
23                  **consent of both the board and the charged party.**

24                  **G. The date, time, and place for said hearing shall be fixed by the board**  
25                  **or the hearing committee and a copy of the charges, together with a notice of the**  
26                  **date, time, and place of the hearing, shall be personally served on or mailed to**  
27                  **the last known address of the charged party, at least thirty days before the date**  
28                  **fixed for hearing. At any hearing, the charged party shall have the right to**  
29                  **appear in person, or by counsel, or both, to cross-examine witnesses in his**

1 defense, and to produce evidence, and witnesses in his defense. If the charged  
2 party fails or refuses to appear at the hearing, the board or the hearing  
3 committee may proceed to hear and determine the validity of the charges.

4 H. If, after such hearing, a majority of the entire board membership  
5 authorized to participate in the proceeding vote in favor of sustaining the  
6 charges, the board may take disciplinary action against the charged party. Any  
7 charges found by the board after a hearing to be unfounded shall be published  
8 in the official journal of the board, if requested in writing by the charged party.

9 I. A charged party aggrieved by any disciplinary action taken by the  
10 board may appeal therefrom, pursuant to the provisions of the Administrative  
11 Procedure Act.

12 J. In addition to any other action, the board may assess all reasonable  
13 costs incurred in connection with a disciplinary proceeding, including  
14 investigators', stenographers', and attorney fees in conjunction with any other  
15 disciplinary action taken. The assessment of costs may be considered  
16 disciplinary action.

17 K. All disciplinary actions taken shall be published in the official journal  
18 of the board and may be released to other professional organizations relating  
19 to geoscience, or to the news media.

20 L. The board may make informal disposition by consent order,  
21 agreement, settlement, or default of any disciplinary proceeding pending before  
22 it. Each such informal disposition shall have no force or effect unless ratified by  
23 the board at its next regular meeting. Consent orders may be considered  
24 disciplinary actions.

25 M. The board may establish a complaint review committee to investigate,  
26 mediate, or initiate disciplinary or legal proceedings on behalf of the board with  
27 respect to charges preferred or information received by the board alleging that  
28 a licensee or certificate holder committed or engaged in any of the acts or

1 offenses listed in Subsection A of this Section. The complaint review committee  
2 shall consist of at least one member of the board.

3 N. The board, for reasons it may deem sufficient, may reissue or  
4 reinstate a license or certificate to any person whose license or certificate has  
5 been revoked, if a majority of the entire board membership authorized to  
6 participate in the proceeding vote in favor of such reissuance or reinstatement.

7 §711.24. Enforcement proceedings against other persons; procedure

8 A. The board shall have the power to take enforcement action against  
9 any non-licensee or non-certificate holder found by the board to have  
10 committed any of the following acts or offenses:

11 (1) Practicing or offering to practice geoscience in the state of Louisiana  
12 without being licensed in accordance with the provisions of this Chapter.

13 (2) Presenting or attempting to use as one's own, the license, certificate,  
14 seal, or stamp of another person.

15 (3) Any fraud, deceit, material misstatement, or perjury or the giving of  
16 any false or forged evidence in applying for a license or certificate, or in taking  
17 any examination.

18 (4) Falsely impersonating any licensee or certificate holder of like or  
19 different name.

20 (5) Using or attempting to use an expired, inactive, retired, or revoked  
21 license or certificate.

22 (6) Using or attempting to use a seal or stamp which is deceptively  
23 similar to the seals or stamps authorized by the board for use by its licensees.

24 (7) Falsely claiming that a person is licensed under this Chapter.

25 (8) Violation of any provisions of this Chapter or any rules or regulations  
26 adopted and promulgated by the board.

27 (9) Violation of or noncompliance with any order, ruling, or decision of  
28 the board.

1           **B. For purposes of this Chapter, the term "enforcement action" shall**  
2           **include but not be limited to a fine in an amount not to exceed five thousand**  
3           **dollars per violation.**

4           **C. The board shall have the power to take enforcement action against a**  
5           **firm if one or more of its officers, directors, managers, employees, agents, or**  
6           **representatives is found by the board to be guilty of any of the acts or offenses**  
7           **listed in Subsection A of this Section.**

8           **D. Charges may be preferred against any non-licensee or non-certificate**  
9           **holder in the following manner:**

10           **(1) The board, on its own initiative and by a majority vote of its entire**  
11           **membership authorized to participate in a proceeding, may prefer charges**  
12           **against any non-licensee or non-certificate holder who commits or engages in**  
13           **any of the acts or offenses listed in Subsection A of this Section.**

14           **(2) The board, on receipt of a complaint from any person and by**  
15           **majority vote of the board's entire membership authorized to participate in a**  
16           **proceeding, may prefer charges against any non-licensee or non-certificate**  
17           **holder who commits or engages in any of the acts or offenses listed in Subsection**  
18           **A of this Section. Such complaint shall be in writing, shall be sworn to by the**  
19           **person or persons making the complaint, and shall be filed with the board.**

20           **E. Within twenty days of the board's preferral of charges, the board**  
21           **shall mail a copy of said charges to the last known address of the non-licensee**  
22           **or non-certificate holder so charged.**

23           **F. In the event the board determines after investigation that the charges**  
24           **so preferred are completely unfounded, more appropriately resolved outside the**  
25           **formal enforcement proceedings, or not within the jurisdiction of the board, the**  
26           **board shall so advise the charged party, in writing, of its determination.**  
27           **Otherwise, all charges shall be heard by the board or a hearing committee**  
28           **designated by the board within twelve months after the date on which they shall**



1 have been preferred. This twelve-month period may be extended with the  
2 consent of both the board and the charged party.

3 G. The date, time, and place for said hearing shall be fixed by the board  
4 or the hearing committee and a copy of the charges, together with a notice of the  
5 date, time, and place of the hearing, shall be personally served on or mailed to  
6 the last known address of the charged party, at least thirty days before the date  
7 fixed for hearing. At any hearing, the charged party shall have the right to  
8 appear in person, or by counsel, or both, to cross-examine witnesses in his  
9 defense, and to produce evidence and witnesses in his defense. If the charged  
10 party fails or refuses to appear at the hearing, the board or the hearing  
11 committee may proceed to hear and determine the validity of the charges.

12 H. If, after such hearing, a majority of the entire board membership  
13 authorized to participate in the proceeding vote in favor of sustaining the  
14 charges, the board may take enforcement action against the charged party. Any  
15 charges found by the board after a hearing to be unfounded shall be published  
16 in the official journal of the board, if requested in writing by the charged party.

17 I. A charged party aggrieved by any enforcement action taken by the  
18 board may appeal therefrom, pursuant to the provisions of the Administrative  
19 Procedure Act.

20 J. In addition to any other action, the board may assess all reasonable  
21 costs incurred in connection with an enforcement proceeding, including  
22 investigators', stenographers', and attorney fees in conjunction with any other  
23 enforcement action taken. The assessment of costs may be considered  
24 enforcement action.

25 K. All enforcement actions taken shall be published in the official journal  
26 of the board and may be released to other professional organizations relating  
27 to professional geoscience or to the news media.

28 L. The board may make informal disposition by consent order,  
29 agreement, settlement, or default of any enforcement proceeding pending before

1 it. Each such informal disposition shall have no force or effect unless ratified by  
2 the board at its next regular meeting. Consent orders may be considered  
3 enforcement actions.

4 M. The board may establish a complaint review committee to investigate,  
5 mediate, or initiate enforcement or legal proceedings on behalf of the board  
6 with respect to charges preferred or information received by the board alleging  
7 that a non-licensee or non-certificate holder committed or engaged in any of the  
8 acts or offenses listed in Subsection A of this Section. The complaint review  
9 committee shall consist of at least one member of the board.

10 N. Any individual non-licensee or non-certificate holder found by a  
11 district court to have committed any of the acts or offenses listed in Subsection  
12 A of this Section shall be guilty of a misdemeanor and shall, upon conviction,  
13 suffer imprisonment for a period not exceeding three months. This penalty shall  
14 be in addition to any other enforcement action taken by the board.

15 O. It shall be the duty of the attorney general, all district attorneys, and  
16 all duly constituted officers of the law of this state, or any political subdivision  
17 thereof, to enforce the provisions of this Chapter and to prosecute any persons  
18 violating same. The attorney general of this state, or his assistant, shall act as  
19 legal advisor to the board if the board requests such and render such legal  
20 assistance as may be deemed necessary by the board in carrying out the  
21 provisions of this Chapter, provided that this shall not relieve the local  
22 prosecuting officers of any of their duties under the law as such.

23 P. Alternatively, following an investigation of any charges preferred or  
24 information received by the board alleging that a non-licensee or non-certificate  
25 holder committed or engaged in any of the acts or offenses listed in Subsection  
26 A of this Section, and dependent upon the result of such investigation, the board  
27 may present its findings to the district attorney in whose district such act or  
28 offense has occurred, and shall aid in the prosecution of the violator; or the  
29 board may, if it deems necessary, prosecute any violator directly and in its own

name, in any district court of this state for such act or offense. Such action may  
be instituted by any member, attorney, employee, or agent of the board.

Section 2. R.S. 44:4.1(B)(21) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

\* \* \*

B. The legislature further recognizes that there exist exceptions, exemptions,  
and limitations to the laws pertaining to public records throughout the revised  
statutes and codes of this state. Therefore, the following exceptions, exemptions, and  
limitations are hereby continued in effect by incorporation into this Chapter by  
citation:

\* \* \*

(21) R.S. 37:74, 86, 90, 147, 691, **711.10**, 763, 763.1, 781, 920.1, 969.1,  
1277, 1278, 1285, 1326, 1518, 1745.15, 1747, 1806, 2156.1, 2406, 2505.1, 3481,  
3507.1

\* \* \*

Section 3. This Act shall become effective on January 1, 2011

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alan Miller.

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DIGEST

Proposed law enacts the Louisiana Professional Geoscience Practice Act.

Effective January 1, 2011.

(Amends R.S. 44:4.1(B)(2); adds R.S. 37:711.1 - 711.24)